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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/493,119 | 01/28/2000 | David Field Showers | 5454 | 1821 |

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EXAMINER

TRUONG, BAO Q

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 11/21/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|----------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/493,119 | SHOWERS ET AL. |
| | Examiner | Art Unit |
| | Bao Q. Truong | 2875 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Amendment on 17 October 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 3-40 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1 and 3-40 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 11) The proposed drawing correction filed on 17 October 2001 is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments with respect to claims 1 and 3-40 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "means to diffuse, disperse or scatter light from said light sources" in claims 1, 5 and 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1, 3-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the applicant has not clearly described how the "means to diffuse, disperse or scatter light" being connected to the housing nor the light sources.

Regarding claims 3-31, claims 3-31 are dependent on claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-7, 9-13, 19, 23-28 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vernondier [US 4,994,944] in view of Merritt [US 4,434,455].

Regarding claims 1 - 6, Vernondier discloses a linear lighting system including a tubular housing with a base channel strip [10] and a cover strip [11] and a multiple lamps [60]. Wherein a cover strip [11] is an extruded translucent plastics element and plastic element is polycarbonate material (figure 1, column 4, lines 15 - 40). Vernondier does not specify the polycarbonate material as means to diffuse light from the light source.

Merritt teaches a polycarbonate pigmented by titanium dioxide having means to diffuse light (abstract, column 2, lines 48-68).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the material polycarbonate pigmented by titanium dioxide of Merritt in the polycarbonate material of Vernondier in order to provide a diffusing light means.

Regarding claim 7, Vernondier discloses light emitting diodes (column 6, line 6).

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Regarding claims 9 and 10, Vernondier discloses a solid housing and a lighting compartment [17] (figure 1, column 4, lines 25 - 34).

Regarding claim 11, Vernondier discloses a linear lighting system including a tubular housing with a base channel strip [10] and a cover strip [11] being an extruded translucent plastics element (figure 1, column 4, lines 15 - 40).

Regarding claim 12, Vernondier discloses circuit boards [65] extending along an internal cavity of a tubular housing (column 5, lines 59 - 65 and figure 6, column 6, lines 24 - 26).

Regarding claim 13, Vernondier discloses a pair of lateral flanges [41, 42] (figure 3, column 5, lines 1 - 14).

Regarding claim 19, Vernondier discloses a coupling element [110] (figures 15A-15E, column 6, lines 50 - 65).

Regarding claim 23, Vernondier discloses a coupling element [110] and connector element [120] (figures 15A-15E and 16A-16D, column 7, lines 1 - 62).

Regarding claims 24 - 26, Vernondier discloses a coupling element [110] having a housing [111], an entry slot [115], connecting elements [117] and resilient forks [120] (figures 15A-15E, column 6, lines 51 - 68 and column 7, lines 1 - 14).

Regarding claim 27, Vernondier discloses a linear light system for decoration (abstract).

Regarding claim 28, Vernondier discloses a decorative lighting system being at a corner (figure 5).

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Regarding claim 38, Vernondier discloses a linear lighting system including a tubular housing with a base channel strip [10] and a cover strip [11] and multiple lamps [60]. Wherein a cover strip [11] is an extruded translucent plastics element (figure 1, column 4, lines 15 - 40). Furthermore, Vernondier discloses an engaging portion [51] (figure 5, column 5, lines 27 - 32).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vernondier [US 4,994,944] in view of JP 09258676.

Regarding claim 8, Vernondier does not disclose the convex segment.

JP 09258676 shows the use of transparency convex cover [2] (figure 1, column 2, line 43).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the convex cover of JP 09258676 in the decorative lighting system of Vernondier for a strip lighting in order to provide a better view.

8. Claims 14 - 18 and 32 – 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vernondier [US 4,994,944] in view of Roossine et al. [US 4,482,944].

Regarding claim 32, Vernondier discloses a linear lighting system including a tubular housing with a base channel strip [10] and a cover strip [11] and a multiple lamps [60]. Wherein a cover strip [11] is an extruded translucent plastics element (figure 1, column 4, lines 15 - 40). Vernondier does not disclose the mounting rail adapting to

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be fastened to the surface. Roossine et al. teach the use of raceway [60] with a lip [68] and an indentation [82] (figures 1, 2, 3, column 5, lines 40 - 58).

Regarding claim 14, Vernondier does not disclose the mounting means.

Roossine et al. teach the use of raceway [60] with a lip [68] and an indentation [82] (figures 1, 2, 3, column 5, lines 40 - 58).

Regarding claims 15 and 33, Vernondier does not disclose the housing overlying the rail. Roossine et al. teach the use of U-shape [62] overlying a raceway [60] (figure 3, column 5, lines 40 - 45).

Regarding claims 16 and 34, Vernondier does not disclose the sliding engagement. Roossine et al. teach the use of sides [71] for sliding engagement (figure 3, column 5, lines 45 - 52).

Regarding claims 17 and 35, Vernondier does not disclose the undercut formation. Roossine et al. teach the use of lip [68] (figure 3, column 5, lines 50 - 54).

Regarding claims 18 and 36, Vernondier does not disclose the face for fastening to a surface. Roossine et al. show the use of mounting bracket [86] (figure 3, column 5, lines 60 - 65).

Regarding claim 37, Vernondier discloses a coupling element [110] (figures 15A-15E, column 6, lines 50 - 65).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the raceway system of Roossine et al. in the decorative lighting system of Vernondier for a strip lighting in order to provide a rail mounting mean.

9. Claims 20 - 22 and 39 - 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vernondier [US 4,994,944] in view of Rousso et al. [US 5,765,938].

Regarding claim 20, Vernondier does not disclose the means to couple the housing to other similar housing.

Rousso et al. show the use of a flexible core [16] for connecting a first housing to a second housing (figure 1, column 2, lines 53 - 60 and column 4, lines 5 - 40).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the flexible core of Rousso et al. in the decorative lighting system of Vernondier for a strip lighting in order to provide a flexibility of housing connection.

Regarding claims 21 and 22, Vernondier discloses two longitudinally extending dividing walls [116], sidewall of parts [112, 113] and recesses [119] (figure 15A - 15E, column 6, lines 51 - 68 and column 7, lines 1 - 12).

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Regarding claims 39 and 40, Rousso et al. disclose a flexible core [16], a pair of longitudinally slots [47], contacts [36, 38, 42, 46], a sleeve [18] (figures 1 and 7, column 3, lines 1 - 68).

10. Claims 29 - 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vernondier [US 4,994,944] in view of Wood [US 5,404,279].

Regarding claims 29 - 31, Vernondier does not disclose the strip lighting structure being placed at edge of roof.

Wood teaches the use of a decorative light assembly being located at an edge of a roof (figure 1).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the decorative light assembly being located at an edge of a roof of Wood in the decorative lighting system of Vernondier for a strip lighting in order to provide a decoration style.

Conclusion

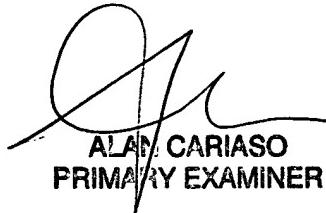
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (703) 308-6452. The examiner can normally be reached on Monday-Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (703) 035-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

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308-7722 for regular communications and (703) 308-7725 for After Final
communications.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is (703) 308
0956.



ALAN CARIASO
PRIMARY EXAMINER

Bao Q. Truong
Examiner
Art Unit 2875

BQT
November 13, 2001